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The Charter and The Referendum

By Charlene LaVoie, Community Lawyer

There is much palaver about the apparent conflict between a provision of the town Charter and state law. Charter section 1101 gives the Town Meeting the power to adopt the annual budget as presented by the Board of Selectmen with the ability to amend, but not increase, line items.

Section 7-7 of the Connecticut General Statutes gives citizens the right to petition, at least 24 hours prior to any town meeting, and request that any item on the call of the meeting be submitted to the voters at a day long referendum.

As the town attorney, Judith Dixon ad-

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ressed this issue. She concluded that since the state law requires that the call of the meeting be submitted to the voters at the referendum, the voters may not amend the budget at the town meeting.

Remember, under state law, the petition must be submitted prior to the town meeting and must state the call of the meeting. To amend the budget at the town meeting, as the Charter permits, would change the call of the meeting and, presumably, invalidate the petition.

The home rule provision of the Connecticut General Statutes permits municipalities to legislate on purely local affairs. For a state law

to prevail over a conflicting charter provision it must pertain to issues of general concern in the state, not purely local matters.

Reasonable people can argue whether the state law which permits referenda takes precedence over the Charter provision, or whether the Charter provision is of purely local concern and, therefore, not subject to state law. But the question really is: how can we make our Charter, and the budget process more accessible to citizens.

In other words, can we find a way to reconcile the Charter and the state law, by amending the Charter, to enable the town meeting to amend the budget before going to referendum? Of course we can.